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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re ELIZABETH E., a Person Coming Under  
the Juvenile Court Law.

KERN COUNTY DEPARTMENT OF HUMAN  
SERVICES,

Plaintiff and Respondent,

v.

A.E.,

Defendant and Appellant.

F070614

(Super. Ct. No. JD132002)

**OPINION**

**THE COURT\***

APPEAL from orders of the Superior Court of Kern County. Louie L. Vega,  
Judge.

Marsha F. Levine, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Cornell, Acting P.J., Peña, J. and Smith, J.

A.E. (mother) appealed from the juvenile court's order terminating her parental rights (Welf. & Inst. Code, § 366.26)<sup>1</sup> as to her one-year-old daughter Elizabeth. After reviewing the juvenile court record, mother's court-appointed attorney informed this court she could find no arguable issues to raise on mother's behalf. This court granted mother leave to personally file a letter setting forth a good cause showing that an arguable issue of reversible error exists. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844 (*Phoenix H.*.)

Mother submitted a letter dated February 21, 2015, advising this court of her imminent release from state prison (February 27). She admitted having a drug and alcohol problem and stated she intended to enter drug and alcohol treatment upon her release. She does not dispute any of the evidence in the juvenile court record and acknowledges she needs to "put [her] life in order" before she can commit to being a mother to Elizabeth. Nevertheless, she asks this court to reconsider the juvenile court's order terminating her parental rights and, if nothing else, allow her monitored visits.

We conclude mother failed to address the termination proceedings or set forth a good cause showing that any arguable issue of reversible error arose from the termination hearing. (*Phoenix H.*, *supra*, 47 Cal.4th at p. 844.) Consequently, we dismiss the appeal.

### **PROCEDURAL AND FACTUAL SUMMARY**

Dependency proceedings were initiated in January 2014 by the Kern County Department of Human Services (department) after mother and newborn Elizabeth tested positive for methamphetamine. The department took Elizabeth into protective custody and filed a dependency petition, alleging mother's substance abuse placed Elizabeth at a substantial risk of harm. (§ 300, subd. (b).) The petition also alleged that mother

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

neglected Elizabeth's sibling, resulting in the termination of mother's parental rights. (§ 300, subd. (j).) The department placed Elizabeth in foster care.

The juvenile court ordered Elizabeth detained, adjudged her a dependent child pursuant to the petition and denied mother and Elizabeth's alleged father reunification services. Mother did not appear for any of the hearings and the juvenile court found that her whereabouts were unknown. The juvenile court also set a section 366.26 hearing for July 2014, served mother notice of the hearing and mailed her a blank "Notice of Intent to File Writ Petition." Mother did not file a writ petition.

In July 2014, on the date set for the section 366.26 hearing, a newly identified alleged father, Carlos, filed a "Statement Regarding Parentage," requesting paternity testing. The juvenile court ordered paternity testing and continued the section 366.26 hearing to September 4.

On September 4, 2014, mother appeared in custody for the paternity/continued 366.26 hearing. The juvenile court found that Carlos is Elizabeth's biological father based on the paternity test results and continued the section 366.26 hearing until October 6.

On October 6, 2014, the juvenile court conducted the section 366.26 hearing. The department's recommendation going into the hearing was that the court terminate parental rights and free Elizabeth for adoption. Carlos and mother, in custody, appeared at the hearing. Carlos requested placement and mother joined. Mother also requested through her attorney that the court allow her to make up her visits. However, anticipating that the court was going to terminate mother's parental rights, her attorney advised the court that she did not want to exercise her right to the extra visits.

After hearing argument, the juvenile court denied Carlos's request, found Elizabeth likely to be adopted, and terminated mother's and Carlos's parental rights.

This appeal ensued.<sup>2</sup>

### **DISCUSSION**

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is appellant's burden to raise claims of reversible error or other defect and present argument and authority on each point made. If appellant fails to do so, the appeal may be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994 (*Sade C.*).

At a termination hearing, the juvenile court's focus is on whether it is likely the child will be adopted and if so, order termination of parental rights. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) If, as in this case, the child is likely to be adopted, the juvenile court must terminate parental rights unless the parent proves there is a compelling reason for finding that termination would be detrimental to the child under any of the circumstances listed in section 366.26, subdivision (c)(1)(B) (exceptions to adoption).

In this case, mother did not argue at the section 366.26 hearing that any of the exceptions to adoption applied. Further, the substance of her appeal is an attempt to have this court independently review the juvenile court's order terminating her parental rights. It is not, however, our role as a reviewing court to independently review a juvenile court order adversely affecting parental status. (*Sade C., supra*, 13 Cal.4th 952, 981-993.)

Thus, because mother does not claim an error or defect against the juvenile court's termination order, this court has no reason to proceed to the "merits of any unraised 'points.'" (*Sade C., supra*, 13 Cal.4th at p. 994.) Further, because mother failed to show good cause that an arguable issue exists, we dismiss the appeal.

### **DISPOSITION**

This appeal is dismissed.

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<sup>2</sup> Carlos did not appeal.